



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2300497/2300499/2206348/2304453

Applicant Name: Tyler Goodmanson (Howland Homes) for Andrew Fortier

Address of Proposal: 124 N. 101st Street (Original existing address 108 N. 101st St.)

SUMMARY OF PROPOSED ACTIONS

Master Use Permit to subdivide one parcel into three parcels of land (DCLU project number 2306348). Proposed parcel sizes are: A) 5000.7 sq. ft., B) 5013.9 sq. ft.; and C) 10,025.4 sq. ft. The existing single family residence will remain and the detached garage will be removed.

Master Use Permit to subdivide one parcel into five unit lots (DCLU project number 2304453). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

Master Use Permit to demolish one detached garage accessory to an existing single-family residence and establish use for and construct five single-family residences on the north side of the property and one single family dwelling on the south portion of the lot. A total of six new dwelling units with parking located in each structure will be established. The existing single family residence will remain (DCLU project numbers 2300497 and 2300499). State Environmental Policy Act (SEPA) review is required because the proposal will establish more than four dwelling units in the Lowrise Duplex/Triplex (LDT) and Single Family 5000 (SF5000) zones.

The following approvals are required:

Short Subdivision – to create three parcels of land – Chapter 23.24, Seattle Municipal Code.

Short Subdivision (Unit Lot Subdivision) – to create five unit lots – Section 23.24.045, Seattle Municipal Code.

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION:

☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Zoning: LDT and SF5000

Date of Site Visit: 4/18/03

Uses on Site: Single family residence and detached garage.

Substantive Site Characteristics: Slopes down from the rear of the property to the street approximately fourteen feet. No mapped or observed environmentally critical areas on the site.

Public Comment: Unit Lot Subdivision – One public comment letter was received asking that the comment period be extended. The comment period ended on July 30, 2003.

Public Comment: Short Subdivision – No comments were received during the comment period which ended January 1, 2003.

ANALYSIS SHORT SUBDIVISION AND UNIT LOT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the applicable provisions of SMC Section 25.24.045, Unit Lot Subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing or single family housing.*

Summary - Short Subdivision and Unit Lot Subdivision

Based on information provided by the applicant, referral comments from DCLU, Water (SWD), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees where possible. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

Review of this site plan shows that the proposed short subdivision conforms to applicable standards of SMC 23.24.045, Unit Lot Subdivisions, and applicable standards for single family residences in the Lowrise Duplex Triplex (LDT) zone. To assure that future owners have constructive notice that additional development may be limited, the following statement shall be required to be included as a note on the final short subdivision: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*

DECISION - SHORT SUBDIVISION AND UNIT LOT SUBDIVISION

The proposed Short Subdivision and Unit Lot Subdivision are **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

BACKGROUND DATA

Site and Vicinity Description

The proposal site is located in a Single Family 5000 (SF5000) zone and a Residential, Multi-Family, Lowrise Duplex/Triplex (LDT) zone. The site is located on N. 101st Street between Holman Road N.W. and Greenwood Avenue N. on the north side of the street. There are no mapped or observed City of Seattle Environmentally Critical Areas (ECA) on the site. North 101st St. is paved with curbs and gutters but no sidewalks. The site slopes from the north part of the lot to the south and has a change in grade of approximately 14 feet over the entire site. Currently, the site is developed with one single-family residence with a detached garage. The accessory garage will be demolished and the existing structure will be provided with one surface parking space on site.

South of the site and along N. 101st St. the lots are zoned SF5000. Most of the lots on the north side of 101st St. are zoned SF5000 and partially zoned LDT. The lots further north change to L-2

zoning along 1st Avenue N.W. and Holman Road N.W. Zoning to the east along Greenwood Avenue N. is Commercial 1 with a 40-foot height limit (C1-40). Development in the vicinity consists primarily of single-family structures along N. 101st Street on both the north and south sides and a mixture of multifamily and single family structures in the LDT zone and a mixture of residential and commercial uses in the commercial zone to the east.

Proposal

The applicant proposes to demolish one detached garage accessory to the existing single-family residence and establish use for and construct six, three-story single-family residences, five on the north portion of the site and one on the south portion. One surface parking space will be provided for the existing single family residence. Each of the five new structures on the north side of the site includes ground-level parking within the structure. Two additional surface parking spaces will also be provided. Access for these five units and the existing single family residence will be from a shared access easement fronting on N. 101st St. The new single family residence on the south portion of the lot will provide two parking spaces within the structure and will access from a separate driveway on N. 101st Street. Street improvements including sidewalk, curb and gutter are also proposed.

State Environmental Policy Act (SEPA) review is required for this project because the proposal will establish more than four dwelling units in the LDT zone.

The proposal also includes subdividing the site into three parcels of land. Proposed parcel C, the northernmost parcel (10,025.5 sq. ft.), will be developed with the five single family residences. Proposed Parcel B (5,013.9 sq. ft.), will contain the existing single family residence and an accessory surface parking space and proposed Parcel A (5000.7 sq. ft.) will be developed with a new single family residence with two parking spaces within the structure.

Proposed Parcel C will be further divided creating four unit lots (unit lot subdivision). Each of the single family residences will be separated into individual unit lots for ownership purposes.

Public Comment

Four comment letters were received during the public comment period which ended on May 21, 2003. The concerns included the removal of old cedar trees, the number of houses proposed, increase in traffic, parking and noise. An additional concern was that construction of curbs and sidewalks was not included with the development.

Analysis

The initial disclosure of the potential impacts from this project was made in the environmental checklist (dated February, 20 2003). The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation. Further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located adjacent to residential receptors that would be adversely impacted by fugitive emissions and construction noise. Therefore, additional discussion of air and noise impacts is warranted.

Air

Grading will contribute to concentrations of suspended particulate matter. The construction contractor must comply with the Puget Sound Clean Air Authority regulations, which require that reasonable precautions be taken to avoid dust emissions. These precautions may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and by covering dusty truckloads.

Construction would require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality, but the amount of emissions caused by the construction equipment would be insignificant compared to the amount of emissions generated by the existing traffic sources in the project area. No further mitigation pursuant to SEPA Air Quality Policies is warranted.

Noise

Most of the earth moving activity will involve loud equipment and activities. This construction activity will have an adverse impact on nearby residences. Because of the proximity of nearby residences, the Department finds that the limitation of the Noise Ordinance is inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit grading and construction activities to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction timeframe, may need to be completed after regular construction hours. Therefore, the Department reserves the right to allow weekday construction from 6:00 a.m. to 8:00 p.m., and Saturday construction from 9:00 a.m. to 5:00 p.m. Extended weekday hours or Saturday work must be approved by the Department on an emergency, case-by-case basis prior to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit. In addition, after the buildings are fully enclosed, on a floor-by-floor basis, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department required.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to residents and visitors; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes or conditions (increased ambient noise; increased demand on public services and utilities; increased airborne emissions; increased light and glare) are not sufficiently adverse to warrant further mitigation by condition.

DECISION SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SHORT SUBDIVISION AND UNIT LOT SUBDIVISION (2206348/2304453)

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Show and describe any existing easements associated with an issued sidesewer permit. If no easements exist, record appropriate easements to allow for adequate sanitary discharge from each unit lot and show them on the final recording documents.
2. Add the conditions of approval to the face of the plat.
3. Provide an easement or covenant to be recorded with the final plat to ensure that address signage visible from N. 101st St. is permitted and maintained for Parcel B of SP 2206348 and Unit lots A, B, C and D of Unit Lot Subdivision 2304453.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. All existing structures shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Add to the face of the plat(s) the required City Light easement(s).
6. A no-protest agreement for future improvements to N. 101st Street shall be signed and recorded with the King County Department of Records and Elections.
7. A joint use and maintenance agreement for the easement must be provided with the final recording documents.
8. Provide easement language and location for any required side sewer easements
9. Provide easement language for garbage container on Unit Lot A.

10. A permit to establish the surface parking space on parcel B of SP 2206348 shall be issued and finalized.

11. Provide documentation of Fire Department approval.

Prior to the sale or transfer of ownership

12. Submit the recording fee and final recording forms for approval.

Prior to Sale or Transfer of Ownership of any Parcel or Unit Lot

13. The garage currently located on proposed parcels B and C of short plat 2206348 shall be legally removed.

Prior to Issuance of any Building Permit

14. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to the construction drawings.

15. Provide an approved concept plan (accepted by SDOT) for the future street improvements.

16. Provide plans showing new construction discharging stormwater runoff to a shared detention with controlled release system as approved by DCLU.

CONDITIONS – SHORT SUBDIVISION (2206348)

17. Provide documentation of approval from the Seattle Fire Department.

CONDITIONS – UNIT LOT SUBDIVISION (2304453)

Conditions of Approval Prior to Recording

1. Add the following note to the face of the plat: “*The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.*”

CONDITIONS – SEPA (2300499)

During Construction:

The following condition(s) to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. Since two streets abut the site, conditions shall be posted at each street.

The conditions shall be printed legibly on placards available from DCLU, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

1. The applicant shall limit excavation, foundation and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. The Department reserves the right to allow weekday construction from 6:00 p.m. to 8:00 p.m., and Saturday construction from 9:00 a.m. to 5:00 p.m.

Extended weekday hours or Saturday work must be approved by the Department on a case-by-case basis prior to such work if required for critical construction activities of an emergency nature.

Signature: (signature on file) Date: September 11, 2003
Lori Swallow, Land Use Planner
Department of Design, Construction and Land Use

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